

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUSTIN BRUNO, :
: Petitioner, : 21-CV-6609 (JLR) (OTW)
: -against- : **ORDER**
: SUPERINTENDENT, UPSTATE CORRECTIONAL :
: FACILITY, :
: Respondent. :
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ONA T. WANG, United States Magistrate Judge:

On November 21, 2023, the Court issued an order directing Petitioner to file his correct address on the docket and reply to Respondent's answer and memorandum of law opposing his habeas petition by January 26, 2024, or the Court would consider treating Respondent's motion as unopposed. (ECF 24). It appears that Petitioner did not receive this Order, based on the return mail receipts filed on the docket. It also appears that Petitioner's period of post-release supervision may have expired on December 24, 2023.

Respondent is directed to inform the Court, **by Friday, April 26, 2024**, whether Petitioner remains subject to post-release supervision. If Petitioner's post-release supervision has expired, Respondent is further directed to inform the Court whether the petition is now moot. As Respondent stated in its November 20, 2023 letter the Court (ECF 23), the petition will be moot "only if it is shown that there is no possibility that any collateral legal consequences will be imposed on the basis of the challenged conviction." *Sibron v. New York*, 392 U.S. 40, 57 (1968). Where, as here, a petitioner is challenging his underlying criminal conviction, he is

entitled to a presumption of “collateral consequences” after his post-release supervision term expires. *Nowakowski v. New York*, 835 F.3d 210, 218 (2016) (citations omitted).

The Clerk of Court and Respondent are hereby directed to serve this Order on Petitioner’s last known address (as provided in ECF 23), and file proof of service of the same.

SO ORDERED.

Dated: April 16, 2024
New York, New York

/s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge